

Honorable Judge John C. Coughnour

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON**

SHELLISE MONTGOMERY

Plaintiff,

v.

NORTHWEST TRUSTEE SERVICES, INC.  
AND HELVETICA CAPITAL FUNDING,  
LLC

Defendants.

No. C09-00159

**DEFENDANTS NORTHWEST  
TRUSTEE SERVICES, INC. AND  
HELVETICA CAPITAL FUNDING,  
LLC'S REJOINDER TO PLAINTIFF'S  
REPLY BRIEF**

COMES NOW Helvetica Capital Funding, LLC ("Helvetica") and Northwest Trustee Services, Inc. ("NWTS") (hereinafter collectively referred to as "Defendants") by and through their attorneys of record Routh Crabtree Olsen, P.S., and submit the following Rejoinder to Plaintiff's Reply Brief.

Plaintiff's reply brief includes a litany of new arguments and evidence, which Plaintiff failed to present in her initial Emergency Motion for Injunction. It is improper legal practice to

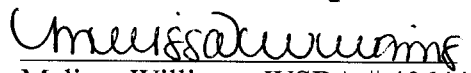
1 present new evidence or new arguments in a reply brief. All new evidence and arguments should  
2 be stricken from Plaintiff's reply and disregarded.

3 In addition, the Mortgage Compliance Analysis Report ("Report") attached as Exhibit A  
4 to Plaintiff's reply brief is inadmissible hearsay. The Report is not supported by a declaration of  
5 a person with personal knowledge of the information the document purports to convey.  
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7 To the extent the court is inclined to consider the new arguments and inadmissible  
8 evidence presented, Defendants request the court set a deadline by which Defendants can submit  
9 a surreply to refute Plaintiff's new allegations.

10  
11 DATED this 26<sup>th</sup> day of June, 2009.

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13 **ROUTH CRABTREE OLSEN, P.S.**

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15 Melissa Williams, WSBA # 40644  
16 Attorneys for Defendants  
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